

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**Civil Action No. 2003-CV-**

**INTAC INTERNATIONAL, INC.,  
Plaintiff**

**v.**

**ACORP D/B/A ROOTERMAN,  
DONALD MACDONALD,  
Defendants.**

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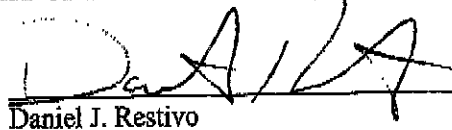
**AFFIDAVIT OF DANIEL J. RESTIVO**

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1. My name is Daniel J. Restivo. I am the President of INTAC INTERNATIONAL, INC. (hereinafter "INTAC") the Plaintiff in the above captioned matter.
2. On September 18, 1998, Donald MacDonald called INTAC and spoke with me regarding our WINTACTM software. I explained the difference between the single-user version and multi-user network version of the software. I also explained our technical support policies.
3. On September 18, 1998, Donald MacDonald placed an order for WintacTM Single-User License "to install and use WINTACTM on each office computer operated by the company named below at one and only one physical location." The order was placed by Donald MacDonald. He listed the Company name for the single user license as A-Corp. He paid by credit card and signed it as "Rooter-Man Corp Donald MacDonald."
4. On April 8, 1999, Donald MacDonald called INTAC and spoke with me regarding our WINTACTM software. I explained which alphanumeric paging software was compatible with WINTACTM
5. On or about April 9, 1999, Donald MacDonald placed an order to upgrade to WINTACTM 2.1 for the Single-User License. He paid by credit card and signed it Donald MacDonald and added the name "Rooter-Man" to the method of payment section of the form.
6. On May 27, 1999, Donald MacDonald placed an order to upgrade to the Network Edition of WINTACTM with a license to "install and use WINTACTM on each office computer operated by the company named below at one and only one physical location." He signed the order form and listed A-Corp. as the company name. He listed his payment method as by check. INTAC received a check for the Network Edition from Donald MacDonald. The check was from a company called Sewer-Man, Inc., P.O. Box 290, No. Billerica, MA 01862 and signed by Donald MacDonald.

7. On May 16, 2000, INTAC received a WINTACTM 2001 Upgrade Order Form by fax from Donald MacDonald. The fax had a header indicating that the order originated from "Rooterman" having a fax number of 9786630061. He paid by credit card and signed it Donald MacDonald and added the name "Rooter-Man" to the method of payment section of the form. He rated WINTACTM as "Excellent" on the order form.
8. On November 20, 2001, INTAC received a WINTACTM Pro 2002 Upgrade Order Form from A-Corp. The contact listed was "Gene." Payment was made by credit card issued to Sewer-Man and signed by Phyllis MacDonald.
9. On September 30, 2003, I received a letter from Donald MacDonald. It states the following:  
 "Thank you for your kind letter and offer to upgrade of Sept 9, 2003. Please extend this offer until we can discuss marketing possibilities between our companies. I look forward to discussing your offer. I also have enclosed our Rooter-Man Marketing Program Manual. I will be calling you shortly to discuss it and answer any questions you may have."

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 5<sup>TH</sup> DAY OF April, 2004.

  
 Daniel J. Restivo

6941

# WINTAC<sup>TM</sup>

\$1079.75  
cc: 164096  
AV=yy

## Order/Registration form

Please select the edition of WINTAC you are purchasing:		
WINTAC Standard	<input checked="" type="checkbox"/> Single-user @ \$995	<input type="checkbox"/> Multi-user network @ \$2,495
WINTAC Lite	<input type="checkbox"/> Single-user @ \$495	<input type="checkbox"/> Multi-user network @ \$995

Add \$35\* Delivery for any edition of WINTAC.

MA residents add 5% sales tax. \*WINTAC is shipped Airborne Express Next Business Day Delivery to most areas of the USA. Delivery to remote areas or areas outside the continental USA may take longer.

**PLEASE READ CAREFULLY:**

I understand that, as a registered owner of any edition of WINTAC:

- I am licensed to install and use WINTAC on each office computer operated by the company named below at one and only one physical location.
- I am entitled to free telephone and faxback support directly from Intac International, Inc. I understand that a minimum purchase of one WINTAC upgrade per year is required to continue receiving this free support.

I also understand that, as the WINTAC Setup disk(s) are not copy-protected and I am able and licensed to install them on multiple computers as outlined above, there is no trial period and no returns of the product are accepted.

Authorized signature Donald Mac Donald Date 9/18/98

Company Name A-Corp

Contact Donald Mac Donald

Street 268 Rangleway Rd (No PO Box numbers please)

City No. Billerica State Mass Zip 01862

Phone 978 667 1144 Fax 978 663-0061

TOTAL \$ 1080 PAYMENT METHOD:

☐ Check/Money Order (payable to Intac International) ☐ Mastercard ☐ Visa ☒ AMEX

Cardholder name Rooter-man Corp Donald Mac Donald

Signature Donald Mac Donald

Card # 3782 687478 53007 Exp.Date 11/98

Mail to:  
Intac International, Inc.  
P.O. Box 446  
Burlington, MA 01803-0746

or FAX charges to:  
1-781-938-8066

1741  
608  
18602  
PC: 85232144  
Features: 409  
105  
2045  
409  
45

# WINTAC 2.1 is here and packed with features!

- New Icons Graphics: New icons replace the plain text buttons
- Fully tested for compatibility with Windows 95, as well as Windows 98 and Windows NT
- Faster system performance: WINTAC has been optimized for several key areas of the program
- New OUTLINE button shows the outlook for the day at a glance. Instantly see how many jobs and contracts service calls are scheduled. See how many service calls and equipment warranties have expired
- New Reminders: To-Do file with automatic rescheduling capability for important dates and appointments
- New Flat Rate: Tasks report allows you to print a new even three-column flat rate books based on Task Groups you create
- New feature to locate any information embedded in your data even in customer NoteBooks! Even color the text of occurrences of any data
- Equipment maintenance tracking: links replacement parts listed in an item's entry to best description to the customer's equipment entry
- Invoice Date: now automatically updates to the current date when connecting from proposals or work orders
- New built-in programs: Plus to Tra Set Pro, EPIC, Harrison Publishing, Alpriser, Callahan/Reich (AP) Collier Flat Rate Plus, Main Flat Rate, CDS Database. Additional built-in accounting link to M.Y.O. Accounting
- New COPY button to copy customers to the job site file and job sales to the customer file
- Built-in link to AlphaPage and NetNote Plus software for automatic paging of work order information
- WINTAC to technician: alphanumeric pages or NetTer phones
- The built-in Letter Writer now automatically links to the MS Word 97 spell checker directly from WINTAC
- An additional sales tax box to apply a secondary tax to individual items on invoices, proposals, and tasks
- Enhanced password security allows you to hide customer balances and job costing data. New view-only mode can allow users to view data without making any changes
- Enhanced data protection feature to avoid accidental deletion. Enhanced Housekeeping protects against potential data problems. Invoices or work history information. Also, enhanced Housekeeping protects against potential data problems.
- New flag font selection: Wint-Letters and Wint Work Descriptions. This is extremely useful if you need to create labels or lists when items must line up evenly (WYSIWYG)
- New work order status option for logging work orders to not appear on the dispatch board or job schedule.
- New items Compiler option for printing invoices and proposals can combine like items into a single line item. This is very useful when entering parts and labor over a period of time for a standard job.
- New print option for invoices, proposals, and work orders allows you to suppress header information from appearing on subsequent pages. Great for adding additional space to WIPs
- Enhanced job site browser screen shows address fields in addition to name for easy identification
- A Date & Time stamp button has been added to the WIP Work Description window
- Customers with overdue invoices now show highlighted balance for easy reference
- New accounting link options allow you to specify any account ID to post invoices to. You can also select to send account totals only rather than all transactions
- New graduated inventory price adjusting allows you to make percent changes based on a range of price
- Enhanced statement printing: Now you can select on-ly whether or not to apply finance charges to statements. You can also specify your own title to appear in place of the standard "STATEMENT"
- Pop up list box: for reference code, business, summary etc. now have a delete option
- Enhanced customer: importing from databases (database Access etc.) reads in data.

The above features are new to WINTAC 2.1. If you own an older version of WINTAC, you will notice the difference.

## WINTAC 2.1 Upgrade Order Form

Special pricing for registered WINTAC owners only!  
ACT NOW TO CONTINUE RECEIVING FREE SUPPORT

1999 (single-year license) 1999 (lifetime license)

3 easy ways to order

- Complete and mail back this form with check or money order for the total plus delivery (check) ship option below to Intac International, P.O. Box 445, Burlington, MA 01803
- Complete and fax back this form to 1-800-272-7200 with card information (American Express, MasterCard or Visa)
- Call 1-800-272-7200 ext 3 and have your credit card read by American Express (MasterCard or Visa)

Selected shipping option (required)

310 U.S. Priority Mail

\$15 Airborne Express Next Business Day Delivery

YES, Please rush WINTAC 2.1 at the special upgrade price. I understand that my current WINTAC data will be moved to this new release. I also understand that I will receive a new license manual and an additional year of free telephone/fax support.

My business card 5% sales tax

TOTAL AMOUNT \$

Company Name

Contact

Street

City

Phone

PAYMENT METHOD

Check/Money Order

Name on card

Signature

Card #

Expiration Date

Based on my experience, I rate WINTAC (circle one)

POOR

FAIR

GOOD

EXCELLENT

# WINTAC™

## Network Edition Order/Registration form

(Special pricing for registered owners of WINTAC single-user edition only)

6/4  
Note: MUNS  
Credit for 199

Please rush the complete WINTAC multi-user network edition for only \$1,498 (regular new sale price: \$2,495) plus \$35\* Delivery. <sup>199</sup>  
MA residents add 5% sales tax. WINTAC is shipped Airborne Express Next Business Day Delivery to most areas of the USA. Delivery to remote areas or areas outside the continental USA may take longer. <sup>1300</sup>

### PLEASE READ CAREFULLY:

I understand that, as a registered owner of WINTAC:

- I am licensed to install and use WINTAC on each office computer operated by the company named below at one and only one physical location.
- I am entitled to free telephone and faxback support directly from Intac International, Inc. I understand that a minimum purchase of one WINTAC upgrade per year is required to continue receiving this free support.

I also understand that, as the WINTAC Setup disk(s) are not copy-protected and I am able and licensed to install them on multiple computers as outlined above, there is no trial period and no returns of the product are accepted.

Authorized signature

Donald Mac Donald Date 5/27/99

Company Name

A-Coop

Contact

Donald Mac Donald

Street

268 Rangleway Rd

(No PO Box numbers please)

City

No. Billerica State Mass Zip 01862

Phone

978-667-1144

Fax

978 668-0061

TOTAL \$ 1300.

PAYMENT METHOD:

☒ Check/Money Order (payable to Intac International)

☐ Mastercard

☐ Visa

☐ AMEX

Cardholder name

Signature

Card #

Exp. Date

Mail to:  
Intac International, Inc.  
P.O. Box 446  
Burlington, MA 01803-0746

or FAX charges to:  
1-781-272-7030

\*\*\* DELIVERY IS FREE ON ORDERS PAID BY CHECK OR MONEY ORDER. SAVE \$35! \*\*\*



SEWER-MAN INC.  
P.O. BOX 290  
NO. BLENFORD, MA 01862

CIRCULATION	
Network	Block
Volume	up

03/27/19

7071

PAY AMOUNT OF	DATE	TO THE ORDER OF	CHECK NUMBER	DOLLARS
	02/19/04	Water International	7071	

CHECK  
AMOUNT

\$ 1300.00



#007071# 001302742# 105 593#

Donald M. Donald



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rooterman

9786630061

p. 1

# WINTAC™ 2001

## Upgrade Order Form

\*\* Special pricing for registered WINTAC owners only \*\*  
INCLUDES ONE YEAR OF FREE-SUPPORT SERVICES

\$199 Single-user owners \$399 Network edition owners

\$499 Wintac Standard owners upgrading to Wintac Pro 2001

2 easy ways to order: 1/899

- \* Complete and mail back this paper with check or money order for the total plus delivery (select shipping method) to: Intac International, PO Box 446, Burlington, MA 01803
- \* Complete and fax back this paper to 1-781-272-7030 with card information (American Express, Mastercard or Visa).

Select shipping option (required):

☒ 10 U.S. Priority \$25 Airborne Express Next Day  
YES. Please note WINTAC at the special upgrade price. I understand that my current WINTAC data will convert to this new release and I will receive a new User's Manual and another year of free support services. I also understand there is no trial period with the software and no returns are accepted.

MA residents add 4% sales tax.

TOTAL AMOUNT \$509

Company Name

Contact

Street

City

State

Zip

Phone

Fax

PAYMENT METHOD:

☐ Check/money order ☐ Mastercard ☐ Visa ☐ Amex

Cardholder

Signature

Card #

Expiration Date

Based on my experience, I rate WINTAC (circle one):

POOR FAIR GOOD VERY GOOD EXCELLENT

## TAC™ 2001. Your future has arrived. New features:

- and enhanced for optimal performance with Windows 2000® in addition to Windows 95/98/NT.
- saving and easier operation with Instant QuickTips mouse-over help for each and every field on the screen. Also, completely updated and enhanced "How Do I" Help system and Users Manual.
- ed Dispatch Board. New features include automatic date/time entry with  $\leftrightarrow$  date navigation and a user-modifiable display to change the dispatch board layout.
- ter Writer and the WIP Work Description now link to spell-checking in MS Word 97 & 2000. In (the Letter Writer now includes several pre-written form-letters for customer correspondence.
- ed data protection feature to avoid accidental deletion of customer records with any accumulated i or work history information. Also, enhanced Housekeeping protects against potential data problems.
- ed equipment service history tracking. Click a button to view installed equipment at a specific job i click on any piece of equipment to see the complete service history. New Service History reports.
- > can now automatically generate a Packing Slip\* for any invoice you create.
- > Writer's user-modifiable "No." (job #) field has been increased in length from 5 digits to 6 digits.
- fields now have a pop-up calendar button. Just point and click to enter or change a date.
- se field in Items & Amounts has been increased to allow you to enter more than three times as much service parts information
- ed Statements\*. Printed statements show how much interest was previously paid. You can also set a finance charge. Statements can now also show either the invoice's Summary, Job Name or PO#.
- ed Task Groups. New fast Task Group lookup and search. Also, new Group field to categorize tasks
- ed Flat Rate Books can now include sales tax. Also, new support for QSP from Profit Strategies Inc.
- > Writer's Items & Amounts window now has automatic duplicate item detection to warn you when (the same item more than once.
- ry data protection. The inventory window now has a pop-up warning when a user attempts to modify ing item code. This is great to prevent accidental changes to an inventory item's lookup code.
- Data Link to Download/Upload/Merge customer data to and from mobile computers used in the field.
- ir employees can use WINTAC in the field and then upload their data back to the office computer!
- Backup & Restore options to automatically backup/restore your WINTAC data with a single mouse zip drives and network drives. Backing up your valuable data couldn't be easier!
- er and inventory data can now export to Excel spreadsheets & ASCII text files for outside reporting.
- re mouse click to convert a job site into a new billable customer - and automatically copy all of the s equipment and work history data from the original customer record to the new one!
- ed Interface now displays the first few lines of the customer's Notebook on their main screen.
- ving are enhancements available only in WINTAC PRO:
- le a Balance Sheet using the new asset, liability, and equity accounts. Plot Pie, Bar & Line Graphs.
- redesigned A/P Viewer for point & click A/P check writing. Paying bills couldn't be faster or easier!
- ual Checkwriter now prints payee name and address on checks in a larger, easier-to-read font.
- tion in Payroll Manager to base a user-defined deduction on an employee's total hours for the week.
- rital for calculating and tracking union dues and union savings deductions.
- estore calculator automatically generates employee commissions based on percent of job sales
- voices and work orders in the Customer/Job Manager.
- was added since WINTAC 2.1. Previous users will see even more enhancements. \*Not available in WINTAC Lite.

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rooterman

9786630061

11/20/2001 14:47

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INTAC INTN

## WINTAC™ Pro 2002

**All the enhancements you asked for and more!**

- ✓ **WritePro** now supports **600 x 600** video mode for clearer, easier-to-read list-size screens. This is useful for 17" or larger monitors.
- ✓ **At Request** You can now attach your own photos or Graphics to customers, job sites, inventory, vendors, contacts and employees! For example, you could attach before and after photos of a remodeling job to a customer's job site and view them with a single mouse click. Or add photos of burners to inventory. The possibilities are endless!
- ✓ **Automatic Billing**. You can now set up individualized automatic billing schedules for all your maintenance customers.
- ✓ **New layout for First Rate Books**. WritePro now prepares ultra-professional flat rate books for customer viewing. You can even customize the books with your own titles, sub-titles, and price column headings.
- ✓ **Enhanced AlphaNumeric Paging**. You can now select which fields of job information gets sent when you dispatch pages to your technicians.
- ✓ **Hand-Aided PDA Support**. WritePro's link to MS Outlook now includes the ability to send work order data to **Hand-held PDA's** and email-capable cell phones! WritePro can also send data via PASTRAC (purchased separately from Manning MacCamy).
- ✓ **New User Security Feature**. You can now have an detection to warn if a customer name has been changed. This eliminates the potential problem of new users accidentally typing over existing data when entering a new customer.
- ✓ **New Street Search for Customers, Job Sites, Vendors and Contacts** allows you to **search and sort by the street name** without the street number. For example, you can now locate and browse all customers located on "Main Street".
- ✓ **Faster screen maneuvering**. WritePro now remembers the last sort order and preferences you were at even if you exit the program. WritePro also remembers the last WIP you entered for a customer. So, for example, if you needed to leave a proposal you are working on to check the dispatch, now you can now return to the proposal in just 2 mouse clicks. Also, you can now **customize the screen** for customers, job sites, vendors, you can now return to the proposal in just 2 mouse clicks. Also, you can now **customize the screen** for customers, job sites, vendors, you can now return to the proposal in just 2 mouse clicks. Also, you can now **customize the screen** for customers, job sites, vendors, you can now return to the proposal in just 2 mouse clicks.
- ✓ **Enhanced Dispatch Board**. Now TechPro shows a color-coded calendar of each tech's schedule for the upcoming day. Accurately displaying calls is easier and easier than ever! There is also a new **Working Order** that generates job schedules stored in best route order. Now time-saver: just right-mouse click on Job Date to **intelligently reschedule** a job to the next day!
- ✓ **Enhanced WIP Number**. Any WIP can now be assigned its own custom title on the fly. For example, you might use the title "Order" on one proposal and "Estimate" on another. Each WIP also now has its own **Handbook** window to enter job notes that do not print on the WIP. There is also a new **Division** field for each WIP that you can use to limit reports by division, department or profit center. In addition, you can now have WritePro automatically check to see if the job number you enter has already been used by another customer.
- ✓ **Enhanced Time Tracking**. Now you can enter a tech's start & end time for any job and have WritePro automatically calculate the exact labor hours. Also, there is a new **Time Sheet** report that shows a detailed breakdown of hours for each technician.
- ✓ **Enhanced Payroll**. WritePro now prints **W-2 Forms**! Also, the **Payroll Manager** now integrates more fully with the **Job Manager** to automatically populate the **Technician** list and assign email addresses for sending job data and dispatching calls via email.
- ✓ **Enhanced Inventory Control**. On-hand and inventory locations have been doubled to support up to 60 trucks. Also, inventory now integrates with the **AP & Checkbook Manager** to automatically populate the **Vendor** lookup list. You can also now specify whether or not **Work orders** should deplete inventory. You can even select to track inventory valuation using **Average Cost** method.
- ✓ **New option for Statements** to use an alternate finance charge calculation that first subtracts out past interest paid.
- ✓ **Enhanced Reporting**. New **Budget Analysis** Report compares a job's budgeted allocation for material, labor and other costs to the actual incurred costs. **Balance Sheet** reports can now be **backdated**. **Profit & Loss** (Income Statement) reports can now be **backdated**. The **P&L** reports also let you designate **Cost of Goods Sold** as either a reduction of revenue or as an expense. **Job Schedule** reports now support all the sort options on the dispatch board. And now, you can even **export** reports from WritePro to MS Word and other programs!

**\*This list includes only those features added since WritePro 2001 Rev. 4. Owners of older versions will see even more enhancements.**

## WINTAC™ Pro 2002

**Upgrade Order Form**  
**Only \$599 plus s&h**

Includes a full year of **Free** support services:  
Phone, Email, Fax and our all-new  
**Toll-Free CallBack Center!**

\*Special upgrade pricing subject to change without notice.

Do you own a single-user version of WritePro and wish more than 10 computers at your office could be working in the Database & Job Manager at the same time? No problem! Just upgrade to WritePro 2002! You'll get all the new features of WritePro 2002 plus networking capabilities for an unlimited number of users! Call 1-800-591-1300 ext. 3 today for special upgrade pricing!

Add \$25 s&h. WritePro Pro is shipped Airborne Express Next Day! A refund of the continental U.S. Delivery to remote areas (a 10% outside the continental U.S. may take longer. Allow 1-3 weeks processing before shipping. Massachusetts residents add 5% tax. All prices are in U.S. dollars.

2 easy ways to order:

\* Complete and mail back this panel with check/MO for \$599 + \$5 s&h to: **Intac International Inc.**, PO Box 448, Burlington, MA 01803

\* Complete and fax back this panel to 1-781-272-1029 with credit information (MasterCard, Visa, Discover or Amex).

YES, Please rush WritePro Pro 2002. I understand the current WritePro data will convert to the new release and receive a new User's Manual and a full year of free support services. I also understand there is no trial period for the software and no returns are accepted.

Company Name A Corp

Contact Carol

Street 268 Rindgebury Rd (not for mailing)

City N. Attleboro State MA Zip 01861

Phone 978-667-1144 Fax 978-663-2006

TOTAL AMOUNT \$ 524 PAYMENT METHOD CC

Check/money order Amex Mastercard X

Card # 4384 3112 2260 3732 Expires 09

Cardholder Suzanne Taylor

Signature Suzanne Taylor

Based on my experience, I rate WritePro (circle one)

POOR FAR GOOD VERY GOOD EXCELLENT





September 30, 2003

Daniel J. Restivo  
WINTAC  
PO Box 446  
Burlington, MA 01803

Thank you for your kind letter and offer to upgrade of Sept 9, 2003. Please extend this offer until we can discuss marketing possibilities between our companies. I look forward to discussing your offer.

I also have enclosed our Rooter-Man Marketing Program Manual. I will be calling you shortly to discuss it and answer any questions you may have.

Respectfully Yours,

  
Donald MacDonald